

IN THE SENATE

SENATE BILL NO. 1384

BY FINANCE COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF SUBSTANCE ABUSE TREATMENT AND PREVENTION, MENTAL HEALTH SERVICES, AND PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR GENERAL FUND TRANSFERS TO THE COOPERATIVE WELFARE FUND; DIRECTING EXPENDITURES FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING REQUIREMENTS FOR PROGRAM INTEGRITY; LIMITING THE TRANSFER OF LEGISLATIVE APPROPRIATIONS; CLARIFYING RESPONSIBILITY FOR EDUCATION OF CERTAIN CHILDREN IN STATE CARE; DIRECTING AN INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT; PROVIDING REQUIREMENTS REGARDING FUNDING FOR BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS; PROVIDING EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF MENTAL HEALTH SERVICES FOR FISCAL YEAR 2022; PROVIDING REAPPROPRIATION AUTHORITY; APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2022; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Department of Health and Welfare the following amounts to be expended according to the designated programs and expense classes from the listed funds for the period July 1, 2022, through June 30, 2023:

	FOR			FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
I. SUBSTANCE ABUSE TREATMENT & PREVENTION:					
FROM:					
Prevention of Minors' Access to Tobacco					
Fund		\$43,800			\$43,800
Cooperative Welfare (Dedicated)					
Fund		438,300			438,300
Liquor Control					
Fund				\$650,000	650,000
Idaho Millennium Income					
Fund		160,000			160,000

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	
5	Cooperative Welfare (Federal)				
6	Fund	<u>\$1,245,500</u>	<u>5,959,200</u>	<u>10,628,400</u>	<u>17,833,100</u>
7	TOTAL	\$1,245,500	\$6,601,300	\$11,278,400	\$19,125,200
8	II. MENTAL HEALTH SERVICES:				
9	A. CHILDREN'S MENTAL HEALTH:				
10	FROM:				
11	Cooperative Welfare (General)				
12	Fund	\$5,696,200	\$1,241,400	\$1,787,800	\$8,725,400
13	Cooperative Welfare (Dedicated)				
14	Fund			164,500	164,500
15	Cooperative Welfare (Federal)				
16	Fund	<u>3,234,200</u>	<u>1,933,100</u>	<u>1,092,600</u>	<u>6,259,900</u>
17	TOTAL	\$8,930,400	\$3,174,500	\$3,044,900	\$15,149,800
18	B. ADULT MENTAL HEALTH:				
19	FROM:				
20	Cooperative Welfare (General)				
21	Fund	\$16,417,100	\$2,440,700	\$10,043,800	\$28,901,600
22	Cooperative Welfare (Dedicated)				
23	Fund	67,900		350,000	417,900
24	Cooperative Welfare (Federal)				
25	Fund	2,520,500	4,152,200	778,700	7,451,400
26	ARPA State Fiscal Recovery				
27	Fund	<u>118,900</u>	<u>10,281,100</u>	<u>0</u>	<u>10,400,000</u>
28	TOTAL	\$19,124,400	\$16,874,000	\$11,172,500	\$47,170,900
29	DIVISION TOTAL	\$28,054,800	\$20,048,500	\$14,217,400	\$62,320,700
30	III. PSYCHIATRIC HOSPITALIZATION:				
31	A. COMMUNITY HOSPITALIZATION:				
32	FROM:				
33	Cooperative Welfare (General)				
34	Fund			\$1,069,000	\$1,069,000

	FOR	FOR	FOR	FOR		
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND		
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL	
				PAYMENTS		
5	B. STATE HOSPITAL NORTH:					
6	FROM:					
7	Cooperative Welfare (General)					
8	Fund	\$8,754,200	\$760,000	\$85,000	\$45,600	\$9,644,800
9	Cooperative Welfare (Dedicated)					
10	Fund	178,800				178,800
11	State Hospital North Endowment Income					
12	Fund	600,600	1,174,100		104,400	1,879,100
13	Cooperative Welfare (Federal)					
14	Fund	<u>1,700,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,700,000</u>
15	TOTAL	\$11,233,600	\$1,934,100	\$85,000	\$150,000	\$13,402,700
16	C. STATE HOSPITAL SOUTH:					
17	FROM:					
18	Cooperative Welfare (General)					
19	Fund	\$4,122,200				\$4,122,200
20	Cooperative Welfare (Dedicated)					
21	Fund	10,395,000	\$3,049,400		\$900	13,445,300
22	Mental Hospital Endowment Income					
23	Fund	5,091,900	2,285,500	\$39,300	284,700	7,701,400
24	Cooperative Welfare (Federal)					
25	Fund	<u>6,178,900</u>	<u>931,900</u>	<u>0</u>	<u>25,600</u>	<u>7,136,400</u>
26	TOTAL	\$25,788,000	\$6,266,800	\$39,300	\$311,200	\$32,405,300
27	D. STATE HOSPITAL WEST:					
28	FROM:					
29	Cooperative Welfare (General)					
30	Fund	\$1,794,600	\$476,400		\$8,300	\$2,279,300
31	Cooperative Welfare (Dedicated)					
32	Fund	212,900				212,900
33	Cooperative Welfare (Federal)					
34	Fund	<u>2,661,400</u>	<u>0</u>		<u>0</u>	<u>2,661,400</u>
35	TOTAL	\$4,668,900	\$476,400		\$8,300	\$5,153,600
36	DIVISION TOTAL	\$41,690,500	\$8,677,300	\$124,300	\$1,538,500	\$52,030,600
37	GRAND TOTAL	\$70,990,800	\$35,327,100	\$124,300	\$27,034,300	\$133,476,500

1 SECTION 2. FTP AUTHORIZATION. In accordance with Section 67-3519,
 2 Idaho Code, each of the programs in the Department of Health and Welfare
 3 listed below is authorized no more than the following number of full-time
 4 equivalent positions at any point during the period July 1, 2022, through
 5 June 30, 2023, unless specifically authorized by the Governor. The Joint
 6 Finance-Appropriations Committee will be notified promptly of any increased
 7 positions so authorized.

8	Adult Mental Health	209.56
9	Children's Mental Health	95.67
10	State Hospital North	131.60
11	State Hospital South	286.25
12	State Hospital West	49.33
13	Substance Abuse Treatment and Prevention	16.00

14 SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the Office of the
 15 State Controller shall periodically make transfers from the General Fund to
 16 the Cooperative Welfare Fund as requested by the director of the Department
 17 of Health and Welfare and approved by the Board of Examiners.

18 SECTION 4. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provi-
 19 sions of Section 67-3511, Idaho Code, funds appropriated in the trustee and
 20 benefit payments expense class shall not be transferred to any other expense
 21 classes during fiscal year 2023.

22 SECTION 5. PROGRAM INTEGRITY. Notwithstanding any other provision of
 23 law to the contrary, the Department of Health and Welfare shall be required
 24 to provide those services authorized or mandated by law in each program, only
 25 to the extent of funding and available resources appropriated for each bud-
 26 geted program.

27 SECTION 6. LIMITING TRANSFER OF LEGISLATIVE APPROPRIATIONS. Notwith-
 28 standing the provisions of Section 67-3511, Idaho Code, Cooperative Welfare
 29 (General) Fund moneys appropriated to the Divisions of Mental Health Ser-
 30 vices and Psychiatric Hospitalization may be transferred between divisions
 31 but shall not be transferred to any other division or program within the De-
 32 partment of Health and Welfare without legislative approval.

33 SECTION 7. EDUCATIONAL NEEDS. The Department of Health and Welfare
 34 shall be responsible for the educational needs of school-age children placed
 35 in its custody by the courts for either child protective issues or mental
 36 health issues. If the department places a child in a licensed residential
 37 treatment facility that includes a nonpublic accredited school, and it is
 38 determined by the department that it is in the best interests of the child
 39 to be educated at the residential treatment facility, then it is the re-
 40 sponsibility of the department to pay for such education per student, per
 41 educational day. Other Idaho state agencies shall not be precluded from
 42 exercising their responsibility to ensure a free and appropriate education
 43 for these students within the requirements of federal disability law. The

1 fiscal impact of this section is included within existing department base
2 appropriations.

3 SECTION 8. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CON-
4 TRACT. No later than July 16, 2022, the Children's Mental Health Program
5 shall make an interagency payment of \$327,000 from the Cooperative Welfare
6 (General) Fund to the Department of Juvenile Corrections to be used for the
7 purchase of contract clinician services with juvenile detention facilities
8 in Idaho for the period July 1, 2022, through June 30, 2023.

9 SECTION 9. BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS. The seven be-
10 havioral health community crisis centers shall submit records that indicate
11 the levels of funding support by fund source. The format of the report and
12 the information included therein shall be determined by the Legislative
13 Services Office Budget and Policy Analysis Division. The contents of these
14 reports shall aid in providing a clearer understanding of the financial sit-
15 uations of the behavioral health community crisis centers. These reports
16 shall be submitted to the Legislative Services Office Budget and Policy
17 Analysis Division no later than December 31, 2022.

18 SECTION 10. EXEMPTIONS FROM PROGRAM TRANSFER LIMITATIONS. The Commu-
19 nity Hospitalization Program is hereby exempted from the provisions of Sec-
20 tion 67-3511(2), Idaho Code, allowing unlimited transfers into the Commu-
21 nity Hospitalization Program from other programs within the Department of
22 Health and Welfare for all moneys appropriated to it for the period July 1,
23 2022, through June 30, 2023.

24 SECTION 11. In addition to the appropriation made in Section 1, Chapter
25 188, Laws of 2021, and any other appropriation provided for by law, there is
26 hereby appropriated to the Department of Health and Welfare Division of Men-
27 tal Health Services \$15,000,000 from the Cooperative Welfare (General) Fund
28 to be expended for the period July 1, 2021, through June 30, 2022.

29 SECTION 12. REAPPROPRIATION AUTHORITY. There is hereby reappropriated
30 to the Children's Mental Health Program any unexpended and unencumbered
31 balances appropriated to the Children's Mental Health Program from the
32 Cooperative Welfare (General) Fund for the purpose of psychiatric residen-
33 tial treatment facilities for fiscal year 2022, in an amount not to exceed
34 \$15,000,000, to be used for nonrecurring expenditures related to psychi-
35 atric residential treatment facilities for the period July 1, 2022, through
36 June 30, 2023. The Office of the State Controller shall confirm the reappro-
37 priation amount, by fund, expense class, and program, with the Legislative
38 Services Office prior to processing the reappropriation authorized herein.

39 SECTION 13. In addition to the appropriation made in Section 1, Chap-
40 ter 188, Laws of 2021, and any other appropriation provided for by law, there
41 is hereby appropriated to the Department of Health and Welfare for the Divi-
42 sion of Psychiatric Hospitalization \$4,573,200 from the Cooperative Welfare
43 (General) Fund for capital outlay, of which \$1,845,000 shall be for State

1 Hospital North and \$2,728,200 shall be for State Hospital South, for the pe-
2 riod July 1, 2021, through June 30, 2022.

3 SECTION 14. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after its
5 passage and approval.